



Patent US 200C3
Attorney Docket: 032,290-008
[formerly AM 1000-7]

IAW
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3736

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FULTON III et al.

Serial No.: 09/996,878

Filed: November 30, 2001

For: BIOPSY LOCALIZATION
METHOD AND DEVICE

Group Art Unit: 3736

Examiner: Brian S. Szmal

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for a two-month extension of time to respond to the Office Action mailed June 4, 2004, in connection with the above application. If additional extension of time is required, please consider this a petition therefor.

Applicant hereby appeals to the Board from the Final Office Action mailed June 4, 2004, finally rejecting claims 53-67, 69-72, 75, 76, 80 and 83-85.

Small entity status was established at the time of filing of the present application.

Pursuant to 37 C.F.R. § 1.17(e), the fee for filing the Notice of Appeal by other than a large entity is \$170.00. The proceedings herein are for a patent application and the provisions of 37

C.F.R. §1.136 apply.

11/09/2004 HALI11 00000068 502862 09996878

01 FC:2401 170.00 DA
02 FC:2252 215.00 DA

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 4, 2004

Date of Deposit
IR1:1059451.1

Cynthia B. Pacheco
Cynthia B. Pacheco

In response to the Final Office Action mailed June 4, 2004, Applicant mailed an Amendment and Response under 37 C.F.R. §1.116 on September 7, 2004. Applicants can provide duplicate copies in respect of the present case if it the Examiner so desires.

The Commissioner is hereby authorized to charge the Notice of Appeal fee of \$170.00 and two-month extension of time fee of \$215.00 (total \$385.00) and any additional fees that may be required to Deposit Account No. 50-2862. A duplicate copy of this document has been enclosed for processing purposes.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: November 4, 2004

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